

Re: Fw: NGC's Kaofin® non-waste petition

Mike Gordon

to:

Gary Gross

02/03/2012 08:22 AM

Cc:

Gerallyn Duke

[Hide Details](#)

From: Mike Gordon/R3/USEPA/US

To: Gary Gross/R3/USEPA/US@EPA

Cc: Gerallyn Duke/R3/USEPA/US

Thanks, Gary.

Mike Gordon

Environmental Engineer

EPA Region III

Office of Permits & Air Toxics 3AP10

1650 Arch Street

Philadelphia, PA 19103

(215)-814-2039

Gordon.Mike@epa.gov

From: Gary Gross/R3/USEPA/US

To: Marc Thomas/DC/USEPA/US@EPA, Mike Gordon/R3/USEPA/US@EPA

Date: 02/03/2012 08:16 AM

Subject: Fw: NGC's Kaofin® non-waste petition

FYI

----- Forwarded by Gary Gross/R3/USEPA/US on 02/03/2012 08:13 AM -----

From: Daniel Traynor <daniel.traynor@northgenco.com>

To: Gary Gross/R3/USEPA/US@EPA

Cc: "wtomayko@pa.gov" <wtomayko@pa.gov>, "mwejksznar@pa.gov"

<mwejksznar@pa.gov>

Date: 02/02/2012 12:44 PM

Subject: RE: NGC's Kaofin® non-waste petition

Dear Mr. Gross –

Thank you for reviewing our petition. After evaluating your feedback, Northampton Generating Company, L.P. (NGC) respectfully requests the withdraw of our petition. NGC plans on commenting on the pending revisions to the NHSM rule that were published in the Federal Register.

Specifically, NGC will be submitting comments requesting that paper sludge burned off-site be classified the same as paper sludge that is burned at the point of generation. If our comments are incorporated into the final rule, a NHSM determination may not be needed.

Thanks again,

Dan

Dan Traynor | Environmental Manager

Northampton Generating Company, L.P.

1 Horwith Drive | Northampton, PA 18067

Phone: 610-261-3073 | Fax: 610-261-3075

Email: daniel.traynor@northgenco.com

From: Gross.Gary@epamail.epa.gov [mailto:Gross.Gary@epamail.epa.gov]

Sent: Monday, January 30, 2012 11:05 AM

To: Daniel Traynor

Cc: wtomayko@pa.gov; mwejksznier@pa.gov

Subject: NGC's Kaofin® non-waste petition

Mr. Traynor—

This is a follow-up to our two telephone conversations of the past week

regarding Northampton Generating's petition for a non-waste determination for Kaofin® paper sludge. After consultation with EPA Headquarters, we do not believe that Kaofin® can be considered a non-waste fuel under the current Non-Hazardous Secondary Materials (NHSM) rule (40 CFR Part 241).

According to your September 30, 2011 petition, Kaofin® has an average heating value of 4000 Btu per pound on a dry basis. Subsequently, on November 28, you submitted an analysis of the Kaofin® for chlorine. That analysis indicated that the material contains only about 44% solids. In our conversation last week, you confirmed that the non-solid fraction is primarily water. Therefore, the actual heating value of the Kaofin® would be less than 1800 Btu/lb.

The NHSM rule sets forth criteria for making non-waste determinations. One requirement is that secondary materials used as fuel must meet the legitimacy criteria of 40 CFR 241.3(d)(1). One of those criteria is that the secondary material must have a meaningful heating value [241.3(d)(1)(ii)]. It is the Agency's opinion that Kaofin®, with a heating value of approximately 1800 Btu/lb, does not contribute "meaningful" heating value to the boiler operation.

As you know, EPA has proposed a number of revisions to the NHSM rule. (A copy of the proposal is attached.) Included in the proposal is a discussion of possible changes to the treatment of paper sludges under the rule. If you wish to comment on the proposal, you must do so on or before February 21, 2012.

Please advise whether you would like EPA to proceed with a denial of your request, or whether you would like to withdraw the request, possibly pending revisions to the NHSM rule.

Gary Gross

EPA Region 3

Land and Chemicals Division (3LC30)

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